

### Remarks/Arguments

Claims 1-10 have been canceled. Claims 11-23 are rejected. Claims 24 and 25 are objected to.

Applicant amends claims 24 and 25 to their independent form including all of the limitation of the base claim and any intervening claims. No new matter is added.

Applicant notes that the claim set, as amended, now includes three independent claims (i.e., claims 11, 24 and 25) and has 25 claims total. Claims 1-10 were previously canceled. Therefore, no fees are due. However, if needed, any fees due are authorized to be charged as set forth below.

Applicant further notes that this Amendment and Response is being filed within the three month shortened statutory period and, as such, no extension of time is required. However, if any such extension of time is determined to be required, this shall serve as a request for any such required extension, pursuant to 37 CFR 1.136.

Applicant submits that all claims are in condition for allowance. Applicant also submits that this Amendment and Response clearly places the application in better form for appeal, and, at least on that basis, it should be entered.

In view of the claims as set forth above and the remarks below, Applicant respectfully requests reconsideration and further examination of this application.

Allowable Subject Matter: The Action objects to claims 24 and 25 as being dependent of a rejected base claim. Applicant rewrites the claims in independent form including all limitations of the base claim and intervening claims. Applicant submits that the current amendments make the objections moot and that at least claims 24 and 25 are in condition for allowance.

Claim Rejections – 35 USC § 102: The Action rejects claims 11-23 under 35 USC 102(b) as anticipated by Japanese Publication Number 2002 144013 (JP '013). Applicant respectfully traverses the rejection.

Applicant submits that the Action does not establish a prima facie case of anticipation of claims 11-23. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As previously argued, Applicant submits that JP'013 fails to disclose every limitation as claimed. In particular, JP'013 does not disclose and the Action fails to point to "a metering unit having a metering pump ... and a discharge pipe; wherein the metering unit is designed as a crucible insert having a cover flange attachable to a cover of the crucible," as recited in claim 11. JP '013 discloses mounting a rotary shaft of a rotary actuator (45) and a dosing pump rod (57a) via separate cover parts (see for example figures 1 and 3) on main crucible cover part 41 within a mount part 42. The discharge tube (3) is outside mount portion 42 (see for example figures 1 to 5 and 7), and this discharge tube (3) extends through an opening in the main cover part 41. The main cover part 41, together with the cover parts mounted thereon, constitute the crucible cover. There is no crucible insert in the arrangement of JP '013 which would have a cover flange attachable to a cover of the crucible and which includes the discharge pipe, as recited in claim 11. For clarity, a full copy of JP'013 is submitted as an appendix to this response.

Additionally, claim 11 explicitly recites that the discharge pipe is held swivelably in an associated passage opening of the cover flange, which is formed at the crucible insert. In contrast, JP '013 teaches that the discharge pipe is held swivelably in an associated passage opening of the main cover part 41 itself.

Moreover, the features of claim 11 allow removing the metering unit from the crucible, including removing the discharge pipe without removing the whole cover from the crucible. It is

sufficient that just the cover flange is released from the cover of the crucible, and this avoids the need to have the crucible fully opened in such case (e.g., for cleaning or maintenance purposes). This is not possible in the device of JP '013 where the whole cover (51) would have to be removed from the crucible to remove the metering components together with the discharge tube (3).

Furthermore, the Action states that JP'013 discloses that "the entire dosing or metering device, together with the crucible cover, form a single crucible insert." Applicant respectfully disagrees. JP '013 discloses a casting installation including a crucible (40) of a melting furnace and further including a dosing pump (17) and a discharge tube (runner tube 3), which projects through a cover (41) of the crucible (40) and is pivotable. However, the crucible cover (41) cannot be part of a crucible insert because the crucible insert has to be something which is inserted in the crucible, while the crucible cover is something that covers the crucible and that cannot be inserted into the crucible. Therefore, the "entire" dosing or metering device, "together with the crucible cover," cannot form a "single crucible insert." Additionally, it is unclear what parts or components of the casting installation shown in JP'013 should be understood to belong to the recited "entire dosing or metering device."

Claims 12-23 all depend, either directly or indirectly, on independent claim 11 and are distinguishable over JP'013 for at least the same reasons.

In view of the foregoing, Applicant requests that the Action's rejections be reconsidered and withdrawn.

Nothing herein should be deemed as a disclaimer or surrender of any rights, an acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application. Applicant reserves all rights and subject matter with respect to claims being or to be pursued in this or a related application.


### CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date: April 3, 2009



Hilde Coeckx, Reg No. 57,506  
P. O. Box 2200  
Hillsboro, OR 97123  
Telephone: (503) 844-9009  
Facsimile: (503) 296-2172  
email: mail@ganzlaw.com